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**Views of the proposed Race Discrimination (Proceedings by
Equal Opportunities Commission) Regulation**

1. Introduction

This paper represents Society for Community Organization's submission to the Subcommittee on Race Discrimination (Proceedings by Equal Opportunities Commission) Regulation (the Subcommittee).

2. Circumstances in which the Equal Opportunities Commission (EOC) may bring proceedings

No necessity for further procedural requirements

We are of the view that imposing further procedural requirements on the EOC (in the form of procedures to establish that the aggrieved person will not bring proceedings, and that EOC has offered assistance but failed to effect a settlement) is not desirable. Leaving more flexibility to bring proceedings would be preferable.

- We recommend that the additional requirements in the regulations under the Disability Discrimination Ordinance should be removed, so that the regulation is brought in line with the regulations under the Sex Discrimination Ordinance (SDO) and the Family Status Discrimination Ordinance (FSDO).

3. Remedies Commission may seek in proceedings brought by it

Contracts and agreements to be declared void

In the proposed Race Discrimination (Proceedings by Equal Opportunities Commission) Regulation the remedies include:

1. a declaration that the act which is the subject of the proceedings is an unlawful act, or;
2. an injunction in respect of such act, or;

3. both a declaration and an injunction.

These remedies seem to be modeled on the remedies available under the regulations under the SDO and the FSDO.

However, the Disability Discrimination (Proceedings by Equal Opportunities Commission) Regulation (Section 3) also has the following remedy as well:

“ an order declaring void in whole or in part either ab initio or from such date as may be specified in the order, any contract or agreement made in contravention of the Ordinance”

- The Administration should clarify the reason why there is a specific reference to such an order in the regulation under DDO and not in those of the SDO or FSDO.

4. Summary of recommendations

1. The government has stated that the regulations under the RDO aim to allow flexibility for the EOC to bring proceedings. The government should explain why less flexibility is given to EOC under the regulations under the DDO.
2. The Administration should clarify the reasoning behind the additional remedy, in the form of an order declaring void any contract or agreement in the regulations under the DDO.